



United States Environmental Protection Agency
Region I
5 Post Office Square, Suite 100
Boston, MA 02109-3912

CERTIFIED MAIL: RETURN RECEIPT REQUESTED

[Final]

MAR 3 1 2014

Mr. Charles Flanagan, President
Independent Plating
35 New Street
Worcester, MA 01605

Re: NOTICE OF VIOLATION of the Resource Conservation and Recovery Act ("RCRA"), the Hazardous and Solid Waste Amendments ("HSWA") of 1984, and the Commonwealth of Massachusetts Department of Environmental Protection Hazardous Waste Regulations (310 CMR 30.00 through 30.1103)

Dear Mr. Sacco:

On March 11, 2013 the United States Environmental Protection Agency (EPA) conducted a Compliance Evaluation Inspection at Independent Plating ("Independent Plating" or the "Facility") in Worcester, Massachusetts. The purpose of this inspection was to determine the compliance of Independent Plating (EPA ID No. MAD001133073) with the Commonwealth of Massachusetts Department of Environmental Protection ("MassDEP") Hazardous Waste Regulations (310 CMR 30.00 through 30.1103), and Federal Hazardous Waste Management Regulations found at 40 CFR Part 260-272. The Commonwealth of Massachusetts has been granted final authorization by EPA to administer certain portions of RCRA.

As a result of the inspection, EPA has determined that your facility violated certain provisions of the MassDEP regulations and the RCRA regulations, promulgated at 40 CFR Part 260 through Part 272. The specific violations are set forth below:

- 1. Failure to conduct a timely and appropriate hazardous waste determination, as required by 310 CMR 30.302.**

Specifically, at the time of the inspection, EPA observed the following containers of waste that had not undergone timely and appropriate hazardous waste determinations:

- a. Area behind WWTU: EPA observed one, approximately 30-gallon, fiber drum labeled "NISTRIP I70." This corroded drum was leaking at the base into the immediate area. Mr. Flanagan indicated that this was a product and that he suspected that the fiber drum had gotten wet;

- b. Process Control Laboratory: EPA observed a product shelving unit located in the laboratory which contained one approximately 500-ml extremely corroded metal container labeled "sodium peroxide." The container was leaking its contents, causing the formation of a crystallized matter on the outside of the container. The crystallized matter was also deposited onto the underlying shelf; and
- c. Paint Room in the Powder Coating Area: EPA observed approximately 30 aerosol spray cans of paint. EPA inspectors recorded the labeling of one of these containers as "John Deere, Ag/C&CE Green Paint, extremely flammable, containing acetone, solvent naphtha, propane, petroleum distillates, and ethyl benzene." According to Mr. Flanagan, waste aerosol spray cans are thrown away into the regular/domestic trash.

2. **Failure to ensure that personnel assigned to the management of hazardous waste successfully complete a program of instruction or on-the-job training (within 6 months of hire or assignment and annually thereafter) that teaches them to perform their duties in a way that ensures compliance with hazardous waste regulations; and failure to ensure that personnel shall not work in unsupervised positions until they have successfully completed such training, as required by 310 CMR 30.340(4)(a), which references 310 CMR 30.341(1)(a) and 310 CMR 30.516(1)(a) through (d).**

Mr. Flanagan (Independent Plating President) annually trains his staff with hazardous waste management duties using an in-house Microsoft Power Point presentation. EPA reviewed three versions (dated January 2010, December 2011 and March 2013) of this power point presentation and noted that they do not provide much specificity on the type of waste generated at the Facility, site-specific storage areas and management requirements, and the site-specific emergency preparedness measures and recommended actions instituted at the Facility.

EPA reviewed training certificates and attendance records for calendar years 2010-2013. Mr. Flanagan was unable to provide proof of in-house training for the following individuals: Mr. Gawrych (who signed a hazardous waste manifest in 2012), and Mr. Frigo and (formerly) Mr. L'esperance (who conduct or conducted weekly HWSA inspections).

EPA reviewed a document entitled "Hazardous Waste and Emergency Response Plan" dated 2/15/12 (i.e., the Facility's contingency plan (CP)). Mr. Drozdowski is identified as the Primary Emergency Coordinator and Messrs. Flanagan, Nahorniak and Roger Plante are identified as the three alternate emergency coordinators. Furthermore, page 5 of the CP identifies Messrs William Rastley and Roger Plante (along with Mr. Drozdowski) as "First Responders at Operational Level." The Facility was unable to provide any proof that Messrs. Plante and Rastley were ever trained on RCRA hazardous waste management or on the requirements and contents of the Facility's CP.

3. **Failure to prepare a written personnel training plan, to be kept on-site and remain available for inspection, designed to ensure that Facility personnel are able to respond effectively to emergencies, and to ensure compliance with the training program requirements of 310 CMR 30.516(1), as required by 310 CMR 30.340(4)(a), which references 310 CMR 30.341(1)(a), and 310 CMR 30.516(2)(a).**

At the time of the inspection, EPA requested a copy of the Facility's RCRA hazardous waste training plan for review. Mr. Flanagan indicated that the Facility does not have a written RCRA hazardous waste training plan. *[Note: The MassDEP's Notice of Noncompliance of December 26, 2006 addressed this deficiency and that the Facility eventually developed a training plan in response to the Notice of Noncompliance. However, at the time of EPA's March 2013 inspection, the Facility's President (Mr. Flanagan) indicated that there was no training plan available for review.]*

4. **Failure to include with the training plan the job title and job description for each position at the Facility related to hazardous waste management, as required by 310 CMR 30.340(4)(a), which references 310 CMR 30.341(1)(a) and 310 CMR 30.516(2)(b).**

At the time of the inspection, EPA requested copies of job titles and job descriptions for key staff with hazardous management responsibilities at the Facility, namely: Messrs. Flanagan, Drozdowski and Nahorniak. EPA only received a copy of the job description for the Plating Manager (i.e., Mr. Nahorniak). No job descriptions (with specified job titles) were available for Messrs. Flanagan and Drozdowski. Also, Mr. Nahorniak's job description did not specify the type, amount and frequency of required RCRA hazardous waste management training necessary for this position.

5. **Failure to ensure that records of every inspection log includes [among other things] notations of observations made, and the date and nature of any repairs or other remedial actions, as required by 310 CMR 30.340(4)(b)(1), which references 310 CMR 30.342(1)(d)(3).**

The Facility's inspection plan entitled "Written Hazardous Waste Storage Plan per 310 CMR 30.515(2)" indicates that there are 5 hazardous waste storage areas at Independent Plating: sludge hopper under WWTU filter press for F006 waste; sludge roll-off stored outside of building for F006 waste; WWTU hazardous waste storage area-HWSA for corrosive D002 chromic and sulfuric waste and toxic waste; satellite accumulation area (SAA) nos. 6 and 8 in the Machine Room for waste oil; and waste Oil storage area for MA98 off-specification waste oil.

EPA inspected randomly selected inspection records for the areas describe above, covering calendar years 2007 to the time of the inspection. EPA found that the inspections were consistently done on a weekly basis. However, inspections findings were generally indicated by a check mark without further explanation, comment or notation of remedial actions, where appropriate.

6. **Failure to ensure that the contingency plan contains an up-to-date lists the names, addresses, and the office and home phone numbers of all individuals qualified to act as primary and alternate emergency coordinators, as required by 310 CMR 30.341(1)(b)(5), which references and modifies 310 CMR 30.521(8).**

The Facility's CP identified Mr. Drozdowski as the Primary Emergency Coordinator, and Messrs. Flanagan, Nahorniak and Plante as 1st, 2nd and 3rd alternate emergency coordinators, respectively. Furthermore, page 5 of the CP identifies Messrs William Rastley, Roger Plante and Drozdowski as "First Responders at Operational Level."

Page 6 of the CP provides an alternate listing of the Facility's emergency coordinators, which omits Mr. Nahorniak and adds Mr. Rastley, specifically:

Primary- Mr. Drozdowski
Alternate- Mr. Plante
Alternate- Mr. Rastley
Alternate- Mr. Flanagan

Independent Plating is hereby required to:

Immediately upon receipt of this NOTICE:

1. Conduct a timely and appropriate hazardous waste determination, as required by 310 CMR 30.302;
2. Ensure that personnel assigned to the management of hazardous waste successfully complete a program of instruction or on-the-job training (within 6 months of hire or assignment and annually thereafter) that teaches them to perform their duties in a way that ensures compliance with hazardous waste regulations; and failure to ensure that personnel shall not work in unsupervised positions until they have successfully completed such training, as required by 310 CMR 30.340(4)(a), which references 310 CMR 30.341(1)(a) and 310 CMR 30.516(1)(a) through (d);
3. Prepare a written personnel training plan, to be kept on-site and remain available for inspection, designed to ensure that Facility personnel are able to respond effectively to emergencies, and to ensure compliance with the training program requirements of 310 CMR 30.516(1), as required by 310 CMR 30.340(4)(a), which references 310 CMR 30.341(1)(a), and 310 CMR 30.516(2)(a);
4. Ensure that the personnel training plan includes the job title and job description for each position at the Facility related to hazardous waste management, as required by 310 CMR 30.340(4)(a), which references 310 CMR 30.341(1)(a) and 310 CMR 30.516(2)(b);
5. Ensure that records of every inspection log includes [among other things] notations of observations made, and the date and nature of any repairs or other remedial actions, as required by 310 CMR 30.340(4)(b)(1), which references 310 CMR 30.342(1)(d)(3);
6. Failure to ensure that the contingency plan contains an up-to-date lists the names, addresses, and the office and home phone numbers of all individuals qualified to act as primary and alternate emergency coordinators, as required by 310 CMR 30.341(1)(b)(5), which references and modifies 310 CMR 30.521(8).

Within 30 days of receipt of this NOTICE:

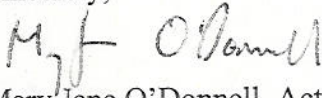
Independent Plating is required to submit a written description, with supporting documentation, of the actions taken to correct the aforementioned violations. *[Note: Between March 12, 2013 and April 10, 2013, U.S. Environmental Protection Agency received several email correspondences from Charles Flanagan (President, Independent Plating) transmitting additional information in response to EPA's March 2013 inspection. The information contained in this correspondence can be incorporated as part of the response to this NOTICE.]*

Information submitted in accordance with this NOTICE should be sent to the following address:

Ms. Susann D. Nachmann, Environmental Engineer
US EPA Region 1 Office of Environmental Stewardship
RCRA, EPCRA and Federal Programs Unit (OES05-1)
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912

Failure to correct the violations, as required by this NOTICE may subject Independent Plating to further Federal enforcement action, including an assessment of penalties, pursuant to Section 3008 of RCRA, 42 U.S.C. § 692. If you have any questions regarding this NOTICE, please contact Susann D. Nachmann or my staff at (617) 918-1871.

Sincerely,



Mary Jane O'Donnell, Acting Manager
RCRA, EPCRA and Federal Programs Unit

cc: Ed Pawlowski, MassDEP
Susann D. Nachmann, EPA
RCRA file